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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,682	06/11/2001	Limor Schweitzer	XACTP005	5002
28875	7590	08/09/2007	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			APPLE, KIRSTEN SACHWITZ	
			ART UNIT	PAPER NUMBER
			3693	
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			08/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/879,682	SCHWEITZER, LIMOR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kirsten S. Apple	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **Detailed Action**

This action is in response to the application response filed on 4/26/07.

### ***Appeal***

In view of the appeal filed on 4/26/07, PROSECUTION IS HEREBY REOPENED.

A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

### ***Claim Rejections - 35 USC § 112***

In view of the applicants remarks the 112 rejections is hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 1-36 under 35 USC 103.

The Applicant attention is re-drawn to the following:

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 & 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren (U.S. Patent 6,88,391) in view of official notice.

**Re claim 1 & 18 & 35 & 36:** Hultgren discloses:

*A method, program & system for providing a digital wallet for IP usage utilizing a wireless network, comprising:*

*Prior to allowing usage, receiving a request for a pre-paid debit account*

(Hultgren, Figure 3A, Item 300, it is inherent that would you obtain a customer identification for those that request the payment transfer service or debit account)

*Prior to allowing usage, enabling pre-paid debit account* (Hultgren, Figure 3A, Items 306, 314 & 316, these are all three more specific steps of enabling the payment transfer service or debit account)

*Collecting payment over wireless network billing debit account* (Hultgren, Figure 3B, Item 328, 334 & 348, it is inherent that the collection is completed with the financial institution.)

*Collecting payment against debit account with IP over wireless network* (Hultgren, Figure 3B, Item 330, 334 & 348, it is inherent that the collection is completed with the financial institution.)

Although Hultgren does specifically disclose payment for mobile phone usage It is inherent that any utility including a mobile phone company is disclosed in Hultgren. Hultgren specifically uses the example of “utility bill, for example” (column 4, line 50)

**Re claim 36:** Hultgren discloses:

*A method for providing a digital wallet for IP usage utilizing a wireless network, comprising:*

*Prior to allowing usage, receiving a account ID associated with a previous account of the user which is adapted solely for voice communication (Hultgren, Figure 2, item 222C)*

*Prior to allowing usage, authenticating an identity of the user (Hultgren, Figure 2, item 222A)*

**Re claim 2 & 19:** Hultgren discloses:

*Request received via mobile cellular hand set and debit account is enabled by human operator (Hultgren, Figure 1, Item 60)*

**Re claim 3 & 20:** Hultgren discloses:

*Wireless network via a mobile cellular handset (Hultgren, Figure 1, Item 50)*

**Re claim 4 & 21:**

*Uses WAP*

The examiner submits official notice that it is well known to one of ordinary skill in art at the time of the invention that WAP is a commonly used protocol for developing wireless applications and could be used for developing a mobile payment system.

**Re claim 5 & 22:** Hultgren discloses:

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*IP includes data transfer (Hultgren, Figure 1, Item 50)*

**Re claim 6 & 23:** Hultgren discloses:

*IP usage includes payment for good or services (Hultgren, Figure 3)*

**Re claim 7 & 24 & 36:** Hultgren discloses:

*Transferring the payment from a first existing customer bank debit account before enabling the pre-paid second phone debit account in response to the request.*  
(Hultgren, Figure 3A, Items 306, 314 & 316)

**Re claim 8 & 25:** Hultgren discloses:

*Balance is updated in real-time (Hultgren, column 9, line 36-47, "immediately transfer funds")*

**Re claim 9 & 26:** Hultgren discloses:

*Alert is sent to a user when below predetermined amount ?? (Hultgren, column 7, line 40-47, "invalid transaction notification")*

**Re claim 10 & 27:** Hultgren discloses:

*Discontinued usage upon the debit account falling below a predetermined amount (Hultgren, Figure 3A, Items 318)*

**Re claim 11 & 28:** Hultgren discloses:

*Payment is received via a credit account (Hultgren, Figure 3A, Items 306, 314 & 316)*

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**RE: Claims 12-15 & 29-32**

Claims 12-15 & 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren (U.S. Patent 6,88,391) in view of official notice in further view of Foladare (U.S. Patent 5,914,472.)

**Re claim 12 & 29:** Foladare discloses:

*Limiting usage based on user-defined threshold* (Foladare, Figure 1, Item 104)

Hultgren & official notice describe a wireless payment process as described in Claim 1. However, Hultgren & official notice does not specifically disclose user-defined threshold. Foladare specifically defined this. (Foladare, Figure 1, Item 104)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add user-defined threshold as taught by Foladare to previous references.

It is clear that one would be motivated to add flexibility to the process.

**Re claim 13 & 30:** Foladare discloses:

*Threshold expires after a pre-determine time limit*

The examiner submits official notice that it is well known to one of ordinary skill in art at the time of the invention that any variable set by the user can have time limits associated with it. This is just good business practice to never have user inputs without time limitations on these inputs.

**Re claim 14 & 31:** Foladare discloses:

*User-defined threshold limitation expires upon receipt of a key* (Foladare, Figure 1, Item 116, authorization – either through a key or other method)

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Hultgren & official notice describe a wireless payment process as described in Claim 1. However, Hultgren & Official Notice does not specifically disclose user-defined threshold limitation. Foladare specifically defined this. (Foladare, Figure 1, Item 104)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add user-defined threshold limitation as taught by Foladare to previous references.

It is clear that one would be motivated to add flexibility to the process.

**Re claim 15 & 32:** Foladare discloses:

*User may authorize payment of another users wireless network voice communication and IP usage upon receipt of the key by said user (Foladare, Abstract, "ancillary credit or debit card")*

Hultgren & official notice describe a wireless payment process as described in Claim 1. However, Hultgren & Official Notice does not specifically disclose user key. Foladare specifically defined this. (Foladare, Figure 1, Item 104)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add user key as taught by Foladare to previous references.

It is clear that one would be motivated to add flexibility to the process.

**RE: Claims 16-17 & 33-34**

Claims 16-17 & 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hultgren (U.S. Patent 6,88,391) in view of official notice in further view of Foladare (U.S. Patent 5,914,472) in further view of Holm-Blagg (US PG Published 2004/0030657 A1)



**Re claim 16 & 33:** Holm-Blagg discloses:

*Plural users may use wireless network voice communication and IP using a single debit account (Holm-Blagg, Figure 2, account 1 & 5, etc)*

Hultgren & official notice describe a wireless payment process as described in Claim 1. Additional, Foladare discloses parent-child credit card relationship. However, Hultgren, Official Notice & Foladare does not specifically describe plural users. Holm-Blagg clearly discloses a plurality of users. (Holm-Blagg, Figure 2, account 1 & 5, etc)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add plurality of users as taught in Holm-Blagg to previous references.

It is clear that one would be motivated to add flexibility to the process.

**Re claim 17 & 34:** Holm-Blagg discloses:

*Limiting the usage for each of the users based on a single threshold associated with the debit account (Holm-Blagg, Figure 7B, "available credit line")*

Hultgren & official notice describe a wireless payment process as described in Claim 1. Additional, Foladare discloses parent-child credit card relationship. However, Hultgren, Official Notice & Foladare does not specifically describe a plurality of users. (Holm-Blagg, Figure 2, account 1 & 5, etc)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add plurality of users as taught in Holm-Blagg to previous references.

It is clear that one would be motivated to add flexibility to the process.

***Response to Arguments***

Applicant's arguments filed 4/26/07 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued that claim 35 & 36 were not address

The Examiner has addressed those omitted claims in the above office action.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

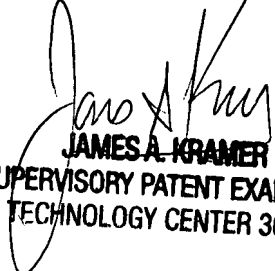
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

 8-6-07  
**JAMES A. KRAMER**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600